

**MIAMI-DADE COMMUNITY COLLEGE
LEGAL ASSISTANT PROGRAM**

COMPETENCY STATEMENT

PLA 2303 – Criminal Law

Course Description:

This course focuses on the substantive areas of criminal law including the offense, elements, defenses and parties to a criminal law proceeding. It also emphasizes the role of the criminal justice system in adjudicating, enforcing and sentencing criminal defendants. It examines the Florida Rules of Criminal Procedure and provides practice in drafting documents required in the conduct of a criminal trial.

Credits: 3

Prerequisites and Co-requisites: The student must have completed PLA 2003, Fundamentals of Law; PLA 2104, Legal Research; PLA 2114, Legal Writing and PLA 2203, Trial Preparation

Course Competencies:

Competency 1: The student will understand the nature, history of criminal laws and punishment.

The student will be able to:

- A. Distinguish between civil and criminal law.
- B. Explain the origins and sources of criminal law.
- C. Identify the principles of criminal liability.
- D. Discuss the complex legal, historical and socio-economic nature of criminal punishment.
- E. Analyze the constitutional foundation and restraints for criminal law.
- F. Describe the organization of the criminal justice system including the law enforcement agencies, prosecutorial agencies, defense attorneys, the court system and sentencing support systems.
- G. Conduct a client interview.
- H. Describe familiar with federal criminal litigation practice.
- I. Write a memorandum of law.

Competency 2: The student will understand the elements of crimes and parties to crimes.

The student will be able to:

- A. Recognize what constitutes a criminal act and criminal intent.
- B. Discuss legal criminal terminology.
- C. Explain the role of the different parties to a crime including defendant, victim, prosecutors, defense attorneys and others.
- D. Identify and define crimes involving attempt, solicitation and conspiracy.
- E. Make distinctions between crimes against persons including assault and battery, sexual battery, false imprisonment and kidnapping.
- F. Define the crime of homicide and apply the statutory criteria for different degrees of homicide along with distinguishing their respective sentencing schemes.
- G. Discuss capital punishment including, sentencing and trial procedure in death penalty cases.
- H. Explain offenses against property including theft, robbery, forgery, burglary, and extortion.
- I. Describe crimes involving moral turpitude including, incest, bigamy, prostitution, obscenity, gambling, profanity, intoxication and drug related offenses.
- J. Identify offenses such as bribery, perjury, resisting arrest and escape.

Competency 3: The student will understand the concept of criminal defense.

The student will be able to:

- A. Identify defenses which assert a lack of capacity to commit a crime.
- B. Examine defenses involving the justifiable use of force.
- C. Explain defenses based on the concept of mistake and make distinctions between factual mistake and mistake of law.
- D. Recognize defenses which arise from constitutional and statutory authority.
- E. Describe defenses based on government conduct such as entrapment.
- F. Discuss the different theories of alibi, duress, necessity and consent.
- G. Explain the procedural requirements of the Fourth Amendment including the warrant requirements, exclusionary rule and all the exceptions to the Fourth Amendment.

Competency 4: The student will understand the dynamics and scope of the pre-trial criminal litigation process.

The student will be able to:

- A. Analyze the rights and responsibilities involved in a criminal arrest including the rights of a defendant during custody, interrogation and confessions.
- B. Explain the defendant's constitutional right to counsel.
- C. Identify and explain criminal procedure including the initial appearance, the grand jury proceeding, pretrial motions, arraignment, plea bargaining, pretrial discovery and the right to speedy trial.
- D. Discuss and apply Florida Rules of Criminal Procedure
- E. Conduct an interview of a witness.

- F. Assist in preparation of a witness for testimony at a deposition or trial.
- G. Attend trial and assist in juror selection and preparation of voir dire.
- H. Prepare a trial notebook which includes, case law, affidavits, summaries, discovery, opening statement, closing statement and jury instructions.
- I. List exhibits entered as evidence and record evidentiary objections during trial.
- J. Draft jury instructions.
- K. Prepare a written report based upon an observed criminal proceeding such as an indictment, arraignment or trial.
- L. Discuss the visit to a correctional facility.

Competency 5: The student will understand the criminal trial, sentencing and appellate procedure.

The student will be able to:

- A. Analyze the defendant's right to a jury trial.
- B. Explain the right to counsel as compared to a defendant's right to self-representation.
- C. Discuss the Florida Rules of Evidence as they apply to the dynamics in a criminal proceeding including hearsay, relevance, prior criminal acts, character and reputation evidence.
- D. Describe the sentencing stage in the criminal process.
- E. Explain the rights of prisoners and constitutional safeguards.
- F. Discuss the increasing role of victim's rights advocates and their participation in the criminal justice process.
- G. Identify the appellate and post-conviction relief processes available to criminal litigants.
- H. Explain the appellate process including the right to counsel on appeal, right to bail pending appeal, the filing of the appeal, motions, filing of briefs, oral argument, the judicial conference and post-conviction relief.
- I. Prepare presentencing information and work with probation officers.
- J. Research the case law regarding appealable issues.
- K. Assist in preparation of appellate brief
- L. Prepare a Notice of Appeal
- M. Draft pleadings including a Motion to Suppress Evidence, subpoenas for witnesses, a Motion to Dismiss and a Motion In Limine.
- N. Complete a guidelines score sheet under sentencing guidelines.